

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE AUDUBON SOCIETY,
CENTER FOR FOOD SAFETY, and
PUBLIC EMPLOYEES FOR
ENVIRONMENTAL RESPONSIBILITY,

Plaintiffs,
vs.

Secretary, United States Department of the
Interior, DALE HALL, Director of
United States Fish and Wildlife Service,
and UNITED STATES FISH AND WILDLIFE
SERVICE, an administrative agency
of the United States Department of the
Interior,

Defendants.

Case No. 1:06-cv-223

STANDING DECLARATION OF NICHOLAS DiPASQUALE

I, Nicholas A. DiPasquale, do hereby declare as follows:

1. I am a member of Delaware Audubon Society, Inc. ("Delaware Audubon") and have been for approximately 10 years. I have served as Delaware Audubon's Conservation Chair for the past 3 years. I have personal knowledge of the matters set forth herein.
2. I know and understand that this Declaration is being used in connection with litigation that Delaware Audubon has brought against the Secretary of the Department of the Interior and the U.S. Fish and Wildlife Service over farming at the Prime Hook Wildlife Refuge in Sussex County, Delaware.
3. Delaware Audubon is a chapter of the National Audubon Society. It currently serves approximately 1500 members in Delaware. Among its many purposes, Delaware Audubon exists to promote the maintenance and improvement of wildlife habitat and to assist its members and the public in enjoying such habitats and the wildlife that inhabit them throughout the State of Delaware.
4. In connection with its goals of promoting wildlife habitat and recreational opportunities for its members, Delaware Audubon participates in programs at the Prime Hook Refuge. Members of Delaware Audubon live near, use, recreate, and/or are keenly interested in

the activities at Prime Hook Refuge which directly affect and impact the economic, aesthetic, and/or recreational interests of Delaware Audubon members, including myself.

5. As a member of Delaware Audubon, I regularly visit the Prime Hook Refuge to observe birds, wildlife, other fauna, and the flora at the Refuge and plan to continue to do so for the foreseeable future. I have participated as the Delaware Audubon representative in the development of the Prime Hook Comprehensive conservation Plan ("CCP"). I also serve as a member of the Sussex County Habitat Conservation Plan working group which seeks to provide protection for the Delmarva Fox Squirrel on public lands of which the Prime Hook Refuge is a part.

6. In connection with my regular recreational visits to the Prime Hook Refuge, I have observed and believe that farming on the Refuge adversely impacts the availability and variety of wildlife, flora and fauna on the refuge. The farming breaks up natural vegetation patterns that would otherwise encourage greater numbers and more diversity of wildlife at the Refuge.

7. In 2001, the Refuge took about 150 acres that had been in agricultural production ("the Test Plot") and prohibited farming on them in order to observe the effects of natural succession of plants and the changes in wildlife populations. My own personal observations, subsequently confirmed by the State of Delaware's own analysis, was that the cessation of farming on the Test Plot resulted in an increase in the types, varieties, and abundance of wildlife and flora at the Refuge. In particular, the Test Plot demonstrated that this successional habitat was attractive to migratory songbirds whose habitat had decreased significantly over the past several decades. In investigating this further I learned that agricultural practices on the Prime Hook Refuge result in habitat fragmentation and are not necessary, and in fact are contrary to the purposes for which the Refuge was established and are in violation of the 1997 Refuge Improvement Act. These unnecessary farming practices therefore are reducing my (and other Delaware Audubon members') enjoyment of the Refuge.

8. After three years, the Refuge ended its study and returned the Test Plot back to agricultural production, plowing under the new plants I had observed and reducing the wildlife I had enjoyed. This decision to return the Test Plot to agricultural use further reduced my recreational and aesthetic enjoyment of the Refuge.

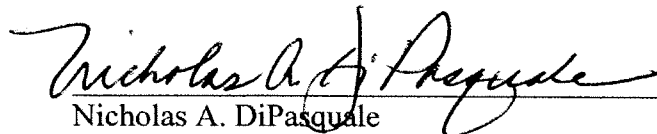
9. The use of Genetically Modified Organisms such as Roundup Ready soybeans at the Prime Hook Refuge makes me fear that environmental damage to the Refuge is occurring without adequate consideration of those consequences, thereby reducing the quality of wildlife habitat necessary to my recreational and aesthetic enjoyment of the Refuge. My recreational and aesthetic enjoyment of the Refuge has suffered as a result.

10. I believe that requiring the Defendants to perform compatibility determinations as required under the National Wildlife Refuge System Administration Act and the Environmental Assessment and Environmental Impact Statement required under NEPA before allowing farming at the Prime Hook Refuge will significantly advance Delaware Audubon's interest in improving wildlife habitat and improve my (and other Delaware Audubon members') recreational and aesthetic enjoyment of the Refuge because, among other reasons, those actions will likely result

in the reduction or elimination of farming and the use of Genetically Modified Organisms at Prime Hook Refuge.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on August 24, 2007.


Nicholas A. DiPasquale